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Filing date: **10/18/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91195961
Party	Plaintiff ELVH, Inc.
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Submission	Opposition/Response to Motion
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Date	10/18/2013
Attachments	Opposer's response to 2nd motion to compel.pdf(63411 bytes)


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<hr style="width:30%; margin-left:0;"/> ELVH, INC. <div style="text-align:right">Opposer,</div> v. KELLY VAN HALEN <div style="text-align:right">Applicant.</div> <hr style="width:30%; margin-left:0;"/>	} } } } } } } } } } }	<div style="text-align:right">Application Ser. Nos. 77919644 and 77919645 Marks: KELLYVANHALEN</div> <div style="text-align:right">Opposition No. 91195961</div>
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**OPPOSER'S MEMORANDUM IN OPPOSITION TO
APPLICANT'S MOTION FOR ORDER TO COMPEL**

Opposer, ELVH, Inc., submits this memorandum in opposition to Applicant's Motion for Order to Compel filed October 17, 2013. Applicant's motion is clearly untimely and therefore must be denied. The Board's Order of July 31, 2013 set the closing of Opposer's trial period as October 30, 2013, and therefore trial commenced on October 1, 2013. Any motion to compel by Applicant had to have been filed before that commencement on October 1 pursuant to 36 CFR § 2.127(e)(1). Thus, the Board should deny Applicant's untimely motion.

Date: October 18, 2013

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Certificate of Service

This is to certify that a copy of the foregoing was served this 18th day of October 2013 first-class mail, postage prepaid, on the following:

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